



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

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www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

James J. Golden
Regional Director

October 24, 2018

Mr. Garrick D. Wagner
Senior Director, Manufacturing
John Middleton Co. (an Altria Company)
2325 Bells Rd.
Richmond, VA 23285

Location: City of Richmond
Registration No.: 52608

Dear Mr. Wagner:

Attached is an initial Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning January 1, 2019.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality deemed the application complete on May 31, 2018 and solicited written public comments by placing a newspaper advertisement in the Style Weekly publication on September 19, 2018. The thirty-day required comment period, provided for in 9VAC5-80-270 expired on October 19, 2018.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve the John Middleton Co. of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever

occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact the regional office at (804) 527-5020.

Sincerely,



Kyle Ivar Winter, P.E.
Deputy Regional Director

KIW/AMS/52608_03_18 TV Permit final.docx

Attachment: Permit

cc:



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Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	John Middleton Co. (an Altria Company)
Facility Name:	John Middleton Co.
Facility Location:	2211 Bells Rd., Richmond, Virginia
Registration Number:	52608
Permit Number:	PRO52608

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 3 through 15)

January 1, 2019
Effective Date

December 31, 2023
Expiration Date

A handwritten signature in green ink, appearing to read "K. L. Winters", is written over a horizontal line.

Deputy Regional Director

October 24, 2018
Signature Date

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Facility Information

Permittee
John Middleton Co. (an Altria Company)
2325 Bells Rd.
Richmond, VA 23285

Responsible Official
Mr. Garrick D. Wagner
Senior Director, Manufacturing

Facility
John Middleton Co.
2211 Bells Rd.
Richmond, VA

Contact Person
Maurice Chemweno
Manager Environmental Engineering, Altria Client Services
(804) 335-2943

County-Plant Identification Number: PRO52608

Facility Description: NAICS 312230 Tobacco Manufacturing - At the John Middleton Co., flavored tobacco, brought in from an off-site source, is made into cigars by cigar-making machines (TP0101JMC). Then the cigars are placed into packages, with some printing of packaging material done on-site (PP0101JMC). The housekeeping vacuum (HV0101JMC) picks up tobacco particles from on and around the machinery. This entire process is known as the Cigar Tobacco Process (CTP).

Particulate matter is controlled by two baghouses. Fugitive VOC is emitted from the flavored tobacco and the printing and packaging process.

Emission Units

Equipment to be operated consists of

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
TP0101JMC	AE-01JMC	Cigar Making	1.43 tons/hr of flavored tobacco	Baghouse	BH0101JMC	PM ₁₀ , PM _{2.5}	May 4, 2018
PP0101JMC	Fugitive	Packaging and Printing Process	1.43 tons/hr of flavored tobacco	None	None	None	May 4, 2018
HV0101JMC	AE-02JMC	House Keeping Vacuum	1.43 tons/hr of flavored tobacco	Baghouse	BH0201JMC	PM ₁₀ , PM _{2.5}	May 4, 2018

*The Size/Rated capacity is provided for informational purposes only and is not an applicable requirement.

Process Equipment Requirements - (TP0101JMC, PP0101JMC, HV0101JMC)

1. **Process Equipment Requirements - (TP0101JMC, HV0101JMC) - Limitations - Emission Controls** – Particulate Matter emissions from Cigar Making (TP0101JMC) and the Housekeeping Vacuum System (HV0101JMC) shall each be controlled by a baghouse. Each baghouse shall be provided with adequate access for inspection and shall be in operation when its corresponding process, TP0101JMC or HV0101JMC, is operating.
(9VAC5-80-110 and Condition 1 of the May 4, 2018 Permit)
2. **Process Equipment Requirements - (TP0101JMC, PP0101JMC, HV0101JMC) - Limitations - Processing** - The throughput of flavored tobacco to the Cigar Tobacco Process (CTP) shall not exceed 4,720 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 5 of the May 4, 2018 Permit)
3. **Process Equipment Requirements - (TP0101JMC, HV0101JMC) - Limitations - Visible Emissions** - Visible emissions from the exhaust stack of each of the baghouses used to control emissions from Cigar Making (TP0101JMC) and Housekeeping Vacuum (HV0101JMC) shall not exceed 5 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).
(9VAC5-80-110, and Condition 8 of the May 4, 2018 Permit)
4. **Process Equipment Requirements - (TP0101JMC, HV0101JMC) - Limitations – Emission Limits** - Particulate Matter emissions from the operation of the Cigar Tobacco Process (CTP) shall not exceed the limits specified below:

--	TP0101JMC	HV0101JMC
Pollutant	gr/dscf	gr/dscf
PM ₁₀ (Total)	0.008	0.028
PM _{2.5} (Total)	0.008	0.028

Compliance with the emission limits for PM₁₀ and PM_{2.5} may be determined as stated in Condition 3.

(9VAC5-80-110 and Condition 6 of the May 4, 2018 Permit)

5. **Process Equipment Requirements - (TP0101JMC, PP0101JMC, HV0101JMC) – Limitations – Emission Limits** - Combined emissions from the operation of the Cigar Tobacco Process (CTP) shall not exceed the limits specified below:

Pollutant	Tons/yr
PM ₁₀ (Total)	1.4
PM _{2.5} (Total)	1.4

Pollutant	Tons/yr
Volatile Organic Compounds	24.4

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 1 and 2.

(9VAC5-80-110 and Condition 7 of the May 4, 2018 Permit)

6. **Process Equipment Requirements - (TP0101JMC, HV0101JMC) - Monitoring Devices** - The two baghouses referred to in Condition 1 shall be equipped with devices to continuously measure the differential pressure drop across the baghouse. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when its corresponding process (TP0101JMC or HV0101JMC) is operating. The permittee shall establish a normal operating range for the differential pressure drop across each of the baghouses, based on manufacturer's recommendations or developed from observations recorded from the monitoring devices during normal operation. The permittee shall maintain written documentation of this range.
(9VAC5-80-110 and Condition 3 of the May 4, 2018 Permit)
7. **Process Equipment Requirements - (TP0101JMC, HV0101JMC) - Monitoring Device Observation** – To ensure good performance, each monitoring device used to continuously measure the differential pressure drop across the baghouse, shall be observed by the permittee with a frequency of not less than once per week while the baghouse is in operation. If the observed differential pressure drop is outside the normal operating range established in Condition 6, the permittee shall take corrective action to restore the pressure drop to within the normal operating range. The permittee shall keep a log of the observations from the monitoring devices and any corrective measures taken.
(9VAC5-80-110 and Condition 4 of the May 4, 2018 Permit)
8. **Process Equipment Requirements - (TP0101JMC, HV0101JMC) - Monitoring -** Visible emissions checks shall be conducted on the baghouse exhaust stacks at least monthly during periods of normal operation for a sufficient time interval to determine if there are any visible emissions. The permittee shall maintain a log for each baghouse stack noting whether visible emissions are observed or not. If visible emissions are observed, a visible emissions evaluation (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9 shall be conducted. The VEE shall be conducted for a minimum period of six minutes. If any of the observations exceed the applicable opacity limit, the observation period shall continue until a total of sixty minutes of observation has been completed. A Method 9 evaluation shall not be required if the visible emissions condition is corrected in a timely manner such that no visible emissions are present; the emissions unit is

operating at normal operating conditions; and the cause and corrective measures taken are recorded.
(9VAC5-80-110)

Facility Wide Conditions

9. **Facility Wide Conditions - Limitations** - VOC Work Practice Standards – At all times the disposal of volatile organic compounds (VOC) shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. VOC-containing products shall not be intentionally spilled, discarded in sewers that are not connected to a treatment plant, or stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution practices for minimizing emissions.
(9VAC5-80-110 and Condition 2 of the May 4, 2018 Permit)
10. **Facility Wide Conditions - Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Regional Office. These records shall include, but are not limited to:
 - a. To show compliance with Condition 2, annual throughput of flavored tobacco to the Cigar Tobacco Process (CTP) in tons, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 - b. Monthly and annual emissions calculations for PM₁₀, PM_{2.5} and VOC from the Cigar Tobacco Process (CTP) using calculation methods approved by the Piedmont Regional Office to verify compliance with the ton/yr emissions limitations in Condition 5.
 - c. Operation and control device monitoring records for the devices used to continuously measure the pressure drop across the baghouses, as required in Condition 7.
 - d. Scheduled and unscheduled maintenance and operator training.
 - e. Stack test reports and results of visible emissions observations, including any actions taken.

These records shall be available on site for inspection by the D E Q and shall be current for the most recent five years.
(9VAC5-80-110 and Condition 9 of the May 4, 2018 Permit)

11. **Facility Wide Conditions - Testing** - The Cigar Tobacco Process (CTP) shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. This includes constructing the equipment such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing a stack or duct that is free from cyclonic flow. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided. (9VAC5-80-110 and Condition 10 of the May 4, 2018 Permit)
12. **Facility Wide Conditions – Testing** - Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted by the permittee on the exhaust stack of each of the baghouses used to control emissions from Cigar Making (TP0101JMC) and Housekeeping Vacuum (HV0101JMC). Each test shall consist of ten sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Piedmont Regional Office. The evaluation shall be performed, and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. Should conditions prevent concurrent opacity observations, the Piedmont Regional Office shall be notified in writing, within seven days, and visible emissions testing shall be rescheduled within 30 days. Rescheduled testing shall be conducted under the same conditions (as possible) as the initial performance tests. One copy of the test result shall be submitted to the Piedmont Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit. (9VAC5-80-110 and Condition 11 of the May 4, 2018 Permit)
13. **Facility Wide Conditions - Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the D E Q. (9VAC5-80-110)

Insignificant Emission Units

14. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted (9VAC5-80-720B)	Rated Capacity (9VAC5-80-720C)
None	None	None	None	None

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110. (9VAC5-80-110)

Permit Shield & Inapplicable Requirements

15. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None	None	None

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9VAC5-80-110 and 9VAC5-80-140)

General Conditions

16. **General Conditions** - Federal Enforceability - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9VAC5-80-110)
17. **General Conditions - Permit Expiration –**
- This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
 - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
 - If an applicant submits a timely and complete application for an initial permit or renewal under 9VAC5-80-80 F, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-150.
 - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a

renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.

- e. If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
- f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)

18. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of such analyses; and
- f. The operating conditions existing at the time of sampling or measurement.
(9VAC5-80-110)

19. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9VAC5-80-110)

20. **General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to D E Q no later

than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedances of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
(9VAC5-80-110)

21. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to E P A and D E Q no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;

- e. Consistent with subsection 9VAC5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
 - f. Such other facts as the permit may require to determine the compliance status of the source; and
 - g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address: **R3_APD_Permits@epa.gov**
(9VAC5-80-110)
22. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Piedmont Regional Office within four daytime business hours after discovery of any deviations from permit requirements that may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 20 of this permit.
(9VAC5-80-110 F. 2)
23. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Piedmont Regional Office of such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Piedmont Regional Office.
(9VAC5-80-110 and 9VAC5-20-180)
24. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9VAC5-80-110)
25. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is

ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9VAC5-80-110)

26. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9VAC5-80-110)
27. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9VAC80-110, 9VAC5-80-190 and 9VAC5-80-260)
28. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-110)
29. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9VAC5-80-110)
30. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.
(9VAC5-80-110)
31. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9VAC5-80-50 through 9VAC5-80-300 was issued shall pay permit fees consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table

8-11A in 9VAC5-80-2340, adjusted annually by the change in the Consumer Price Index.

(9VAC5-80-110, 9VAC5-80-340 and 9VAC5-80-2340)

32. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9VAC5-80-110)
33. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (9VAC5-80-110)
34. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in

9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.

(9VAC5-80-110)

35. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow D E Q, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9VAC5-80-110)

36. **General Conditions - Reopening for Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)

37. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to D E Q upon request.
(9VAC5-80-110 and 9VAC5-80-150)
38. **General Conditions - Transfer of Permits –**
- a. No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.
 - b. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.
 - c. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.
(9VAC5-80-110 and 9VAC5-80-160)
39. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9VAC5-80-110, 9VAC5-80-190 C and 9VAC5-80-260)
40. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9VAC5-80-110 and 9VAC5-80-80 E)
41. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(9VAC5-80-110 and 40 CFR Part 82)

42. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9VAC5-60-70 and 9VAC5-80-110)
43. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(9VAC5-80-110 and 40 CFR Part 68)
44. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9VAC5-80-110)
45. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.
- (9VAC5-80-110)